

**Upper Clark Fork River Basin Steering Committee  
Meeting Summary  
March 21, 2006**

### **Introductions**

Gerald Mueller and members of the Upper Clark Fork River Basin Steering Committee (Steering Committee) introduced themselves. Those in attendance included:

<b>Members</b>	<b>Group/Organization Represented</b>
Bob Benson	Clark Fork Coalition
Holly Franz	PPL Montana LLC
Jim Dinsmore	Granite Conservation District
Vladimir Babich	ARCO
Doug Martin	NRDP
Jules Waber	Powell County

  

<b>Staff</b>	
Mike McLane	DNRC
Gerald Mueller	Facilitator

### **Agenda**

- Review of the February 7, 2006 Meeting Summary
- Tribute Idea for Eugene Manley
- Basin Water Supply Update
- Adjudication Survey
- Post-Adjudication Paper
- Report on the DNRC Surface and Ground Water Interaction Task Force
- Clark Fork Coalition Deer Lodge Valley Meeting
- Discussion of Steering Committee Membership
- Public Comment

### **February 7, 2006 Meeting Summary**

The Steering Committee made no changes to the meeting summary.

### **Tribute Idea for Eugene Manley**

The Steering Committee discussed ideas for paying tribute to Eugene who passed away unexpectedly last month. One idea was to seek to rename the East Fork Dam, which is owned by the state, after Eugene. However, not all in the local community favor such a change, so this idea was dropped. It was pointed out that Eugene is the third Steering Committee member who has died, the other two being Ole Ueland, an original member, and John Vanisko who represented the Deer Lodge Conservation District for several years. The Steering Committee will continue to consider ideas for honoring these three people.

### **Upper Clark Fork River Basin Water Supply Update**

Mike McLane presented a power point presentation summarizing the current basin water supply using NRCS Climate Center data. Excerpts of his presentation is contained in Appendix 1 below. As of March 1, 2006, basin-wide the Mountain snow pack is near average. Snow water content is 96% of average and over twice the amount of a year ago. Since October 1, 2005, the mountain

precipitation is about 94% of average and over four times that of last year. Again, as of March 1 stream flows are forecast to be in the 78 - 94% range, assuming average precipitation from March through July. Streams are currently flowing near minimum values for the 1971 through 2000 period. These low flows are probably due to the drought in recent years.

### **Adjudication Survey**

Gerald Mueller reported that he has mailed surveys and copies of the post-adjudication paper to 183 addresses in the Flint Creek and Blackfoot sub-basins. So far 14 surveys have been returned, and nine letters where returned as undeliverable. Public meetings will be held in Philipsburg and Ovando, respectively, the next two nights. The post-adjudication paper was included with the survey at the advice of leaders of the Blackfoot Challenge. Mr. Mueller previewed a power point presentation about the survey and the post-adjudication paper, and Steering Committee members commented on it. Mr. Mueller will revise the presentation based on the comments.

### **Post-Adjudication Paper**

Mike McLane recently hosted a conference call including Colleen Coyle, a water master with the Water Court, Dorothy Bradley, a clerk to Gallatin County district court judges, Peter Marchi, the head water commissioner on the Musselshell River, Walter Sales, and Gallatin County water user, and Gerald Mueller. The people on the call had read the paper and were concerned that somehow it recommends centralizing water management. Apparently, in the Gallatin area, mediation has been successful in resolving water disputes so that changes to the water right enforcement mechanisms are not viewed as necessary. Mr. Marchi also reported success in administering the Musselshell mainstem decree using five water commissioners including a head commissioner. Water administration in the Musselshell has occurred for four years, and many of the initial problems including the method of assessing costs are being worked out. Mr. Marchi liked the idea of designating district water judges who work only on water issues. Ms. Bradley agreed to write something in response to the Steering Committee paper. Also, the group on the conference call agreed to meet with the Steering Committee in Helena in April to discuss the paper.

### **DNRC Surface and Ground Water Interaction Work Group**

Mike McLane reported on the progress of the Surface/Ground Water Work Group since the Steering Committee's February 7 meeting. The Work Group has focused on three areas:

- Exempt rights/subdivisions;
- Augmentation concepts; and
- Amendments to existing basin closures

Of these three areas, no agreement was reached regarding changes to the 35 gpm/10 acre-ft/year exemption. Regarding augmentation, the Work Group is considering, but has not yet reached agreement about, whether to require augmentation to mitigate adverse impacts on the stream or to senior water rights. The language in the existing upper Clark Fork closure, requires the latter, adverse impacts on senior water rights. The Work Group has agreed to recommend striking references to "immediately and directly" or "substantially and directly connected" from existing basin closures in favor of augmentation plans and a hydrologic report on the nature of the surface and ground water connection. In this regard, the Work Group is building on the concepts in the current upper Clark Fork Closure. The Work Group may continue in some form to address the exempt rights/subdivision issue.

### **Clark Fork Coalition Deer Lodge Valley Meeting**

Bob Benson reported that the Clark Fork Coalition in cooperation with the Clark Fork River

Technical Assistance Committee and the Watershed Restoration Coalition will be convening meetings tonight and tomorrow night in Deer Lodge. These meetings are a follow-up to the meeting conducted in November 2004 and will be the first of six strategic planning sessions to reaffirm or revise the vision developed at the November 2004 meeting and begin planning and implementing specific strategies to meet that vision. Mr. Benson encouraged Steering Committee members to attend and stated that he will attend the meetings and will report to the Steering Committee about them at its April meeting.

### **Steering Committee Membership**

Gerald Mueller noted that the Steering Committee now has two vacancies due to deaths. As mentioned above, Eugene Manley and John Vanisko have died. Eugene represented Gallatin County and John the Deer Lodge Conservation District. Nate Hall has replaced Steve Fry as Avista's Steering Committee representative. Mr. Mueller also noted that meeting attendance has decreased in recent months. Also, since 1991, several organizations including the Blackfoot Challenge, the Tri-State Implementation Council, the Clark Fork River Technical Assistance Committee, the Upper Clark Fork River Basin Remediation and Restoration Education Advisory Council, the Water Restoration Coalition, and the Flint Creek Dam Advisory Committee have formed and are involved with water related work in the upper Clark Fork River basin. The Granite Conservation District is proceeding to create a Flint Creek Watershed Committee. As noted in the previous agenda topic, the Clark Fork Coalition has an ambitious project underway to help the people in the upper Clark Fork agree on a vision for their area and steps to carry out that vision. The Clark Fork Task Force is also addressing water management issues in the entire Clark Fork basin. Mr. Mueller stated that even with all of these groups, the work that the Steering Committee has done and continues to do related to water policy and, particularly, policy related to water rights is unique. The Steering Committee also has a continuing statutory mandate. However, given all of the activities of the aforementioned organizations, the Steering Committee should carefully consider whether it wishes to continue.

After a discussion, the Steering Committee members present concluded that the Steering Committee should continue. It should consider expanding its role out of the water quantity/policy niche.

### **Public Comment**

There was no public comment.

### **Next Meeting**

The next meeting was scheduled for Wednesday, April 19, 2006 in Helena. The agenda will include:

- An update on the adjudication survey;
- A discussion of Jon Sesso's ideas that was postponed from today's meeting;
- A discussion about the post-adjudication paper with representatives of the Musselshell and Gallatin basins;
- Report on the Clark Fork Coalition Deer Lodge meeting; and
- Report on the status of upper Clark Fork water story.